S.B. Cr. Bail Application No. 4962/2007
(Mansukh Lal alias Mansu Vs. State of Rajasthan)

Date of order : 22.10.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Shambhoo Singh for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that in the complaint filed by the prosecutrix, her age has been shown as 17 years and she was consenting party to the sexual intercourse.

Learned public prosecutor opposed the bail application and contended that the victim prosecutrix is of 13 years of age as per the police investigation diary. In the school record where the victim studied, the age of the prosecutrix has been shown as 12.12.1994. It appears that in the month of June, 2007, the prosecutrix was of 12 and half years of age. Before the Judicial Magistrate, Pratapgarh, the prosecutrix made statement under Section 164 Cr.P.C. stating therein her age as 13 years and she categorically stated that she was taken away by the present petitioner on a cycle by force in a jungle and was confined in a Tapri and in night he committed rape on her at the point of knife and thereafter he repeated such act of rape from 6th June to 9th June. Thereafter she was taken in Jungle on 10th June and there she was handed over to one Prem Shanker and Devilal who in turn taken her away to Jodhpur and handed over

to Narsingh who alleged to have committed rape on her.

Keeping in view the statement of the prosecutrix under Section 164 Cr.P.C., her school record showing her age as 13 years, in my view, it is not a fit case to release the petitioner on bail. The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

rp